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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re: Patent application of:
Bruno Mombrinie

Serial No.: 09/692,083

Group Art Unit: 3682

Filed: 19 October 2000

Examiner: Vicky A. Johnson

For: TWO-PIECE BICYCLE CRANK SET

Charles N. Quinn
U.S.P.T.O. registration number 27,223
Fox Rothschild LLP
2000 Market Street, 10th Floor
Philadelphia, PA., 19103-3291
215-299-2135
215-299-2150 (fax)
cquinn@foxrothschild.com
Deposit Account 50-1943

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MEMORIALIZATION OF TELEPHONE DISCUSSION TO EXAMINER

Sir:

This paper is memorialize a telephone discussion between undersigned counsel for the applicant and Examiner Vicky A. Johnson on 19 May 2004 regarding the above-referenced pending United States patent application.

The only matter of substance discussed was the limiting date for filing a response, without payment of extension fees, to an official action bearing a mailing date of 4 May 2004

which had been received by undersigned counsel for the applicant in connection with this application.

The official action dated 4 May 2004 states at the top of page two that "a short ended statutory period for reply is set to expire two (2) month(s) from the mailing date of this communication". Based on that statement the due date for response to the official action, without payment of extension fees, would be 4 July 2004.

However, in the text under the heading "Detailed Action" the following statement appears:

"Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue."

This due date inconsistency had been discussed previously, during the week of 10 May 2004, between the examiner and undersigned counsel for the applicant. At that time counsel for the applicant requested issuance of a new official action without the internal inconsistency noted above. At that time, the examiner had agreed to issue a new official action without such an internal inconsistency.

In the telephone discussion of 19 May 2004, the examiner stated that it was the policy of the examining group not to issue new official actions when an extant official action had an internal inconsistency as to the limiting date and that the later of the two limiting dates stated in the official action would be considered as the controlling limiting date. The examiner specifically noted that in this case the limiting date would be the

two-month limiting date, making the due date for response without extension fees for the 4 May 2004 official action 4 July 2004.

In the event the examiner's recollection or notes regarding the telephone discussion of 19 May 2004 between the examiner and undersigned counsel for the applicant differ from the foregoing, the examiner is respectfully requested to telephone undersigned counsel for the applicant concerning the same.

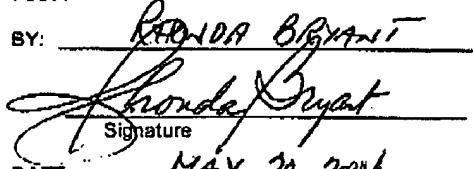
To the extent there is any fee required in connection with the receipt, acceptance and/or consideration of this paper and/or any accompanying papers submitted herewith, please charge all such fees to deposit account 50-1943.

Respectfully submitted,

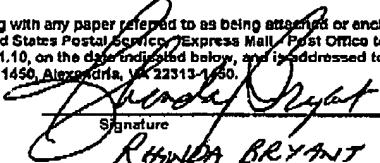


Charles N. Quinn
Registration No. 27,223
Attorney for Applicant

Date: 20 May 2004

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BY:	<u>Rhonda Bryant</u>
	
Signature	
DATE:	<u>MAY 20, 2004</u>



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PHILADELPHIA, PA 19103-3291
VOICE: (215)299-2000
FAX: (215) 299-2150

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Examiner Vicky A. Johnson	United States Patent and Trademark Office	(703) 305-7687	(703) 305-3013

FROM:	PHONE NUMBER:	EMAIL:	BILLING NUMBER:
Charles N. Quinn, Esquire	(215) 299-2135	cquinn@foxrothschild.com	0295

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